EXHIBIT NN

To Declaration of Micah West in Support of Motion for Preliminary Injunction & Motion for Class Certification

LYNDON B. JOHNSON

XXXVI *President of the United States: 1963-1969*

286 - Remarks at the Signing of the Bail Reform Act of 1966.

June 22, 1966

Document Archive
• Public Papers of the Presidents
• State of the Union Addresses & Messages
• Inaugural Addresses
• Farewell Addresses
• Weekly Addresses
• Fireside Chats
• News Conferences
• Executive Orders
• Proclamations
• Signing Statements
• Press Briefings
• Statements of Administration Policy
• Economic Report of the President
• Debates
• Convention Speeches
• Party Platforms
• 2016 Election Documents
• 2012 Election Documents
• 2008 Election Documents
• 2004 Election Documents
• 1996 Election Documents
• 1968 Election Documents
• 1960 Election Documents
• 2017 Transition
• 2009 Transition
• 2001 Transition
• White House Media Pool Reports

Data Archive
Data Index

Media Archive
Audio/Video Index

Elections
Election Index
Florida 2000

Links
Presidential Libraries

View Public Papers by Month and Year
Month Year

INCLUDE documents from the Office of the Press Secretary

INCLUDE election campaign documents, vice presidential documents, first lady, and other executive branch officals

View PPPUS

Senator Ervin, Chairman Celler, Mr. Attorney General, distinguished members of the House and Senate Judiciary Committees, and all of the other good citizens who have worked so hard to finally make it possible for us to have this ceremony this morning:

Our Nation stands today at the threshold of a new era in our system of criminal justice. Those of you who have come here this morning--and scores of others like you throughout this great land of ours--are the mind and the force of this new era.

So today we join to recognize a major development in our entire system of criminal justice--the reform of the bail system.

This system has endured--archaic, unjust, and virtually unexamined--ever since the Judiciary Act of 1789.

Because of the bail system, the scales of justice have been weighted for almost two centuries not with fact, nor law, nor mercy. They have been weighted with money.

But now, because of the Bail Reform Act of 1966, which an understanding and just Congress has enacted and which I will shortly sign, we can begin to insure that defendants are considered as individuals-and not as dollar signs.

The principal purpose of bail is to insure that an accused person will return for trial, if he is released after arrest.

How is that purpose met under the present system? The defendant with means can afford to pay bail. He can afford to buy his freedom. But the poorer defendant cannot pay the price. He languishes in jail weeks, months, and perhaps even years before trial. He does not stay in jail because he is guilty. He does not stay in jail because any sentence has been passed.

He does not stay in jail because he is any more likely to flee before trial.

He stays in jail for one reason only--he stays in jail because he is poor.

There are hundreds, perhaps thousands, of illustrations of how the bail system has inflicted arbitrary cruelty:
--A man was jailed on a serious charge brought last Christmas Eve. He could not afford bail, so he spent 101 days in jail until he could get a hearing. Then the complainant admitted that the charge that he had made was false.
--A man could not raise $300 for bail. He spent 54 days in jail waiting trial for a traffic offense for which he could have been sentenced to no more than 5 days.
--A man spent 2 months in jail before being acquitted. In that period, he lost his job, he lost his car, he lost his family--it was split up. He did not find another job, following that, for 4 months.

In addition to such injustices as I have pointed out, the present bail system has meant very high public costs that the taxpayer must bear for detaining prisoners prior to their trial.

What is most shocking about these costs-to both individuals and to the public--is that they are totally unnecessary.

First proof of that fact came because of really one man's outrage against injustice. I am talking now of Mr. Louis Schweitzer, who pioneered the development of a substitute for the money bail system by establishing the Vera Foundation and the Manhattan bail project.

The lesson of that project was simple. If a judge is given adequate information, he, the judge, can determine that many defendants can be released without any need for money bail. They will return faithfully for trial.

So this legislation, for the first time, requires that the decision to release a man prior to the trial be based on facts--like community and family ties and past record, and not on his bank account. In the words of the act, "A man, regardless of his financial status--shall not needlessly be detained . . . when detention serves neither the ends of justice nor the public interest."

And it specifies that he be released without money bond whenever that is justified by the facts. Under this act, judges would--for the first time--be required to use a flexible set of conditions, matching different types of releases to different risks.

These are steps that can be taken, we think, without harming law enforcement in any manner.
This measure does not require that every arrested person be released.

This measure does not restrict the power of the courts to detain dangerous persons in capital cases or after conviction.

What this measure does do is to eliminate needless, arbitrary cruelty.

What it does do, in my judgment, is to greatly enlarge justice in this land of ours.

So our task is to rise above the debate between rights of the individual and rights of the society, by securing and really protecting the rights of both.

I want to personally thank Senator Ervin, Congressman Celler, the Attorney General, the members of the Justice Department, and his predecessors who worked on this legislation. I also want to thank the able and distinguished leadership of all members of the Senate and the House Judiciary Committees, and the other Members of those two bodies, for what I consider very fine work in making this legislation a reality.

I am proud now, as a major step forward, to sign the Bail Reform Act of 1966 into the law of the land.

Note: The President spoke at 9:40 a.m. in the East Room at the White House. In his opening words he referred to Senator Sam J. Ervin, Jr., of North Carolina, Representative Emanuel Celler of New York, Chairman of the House Judiciary Committee, and Attorney General Nicholas deB. Katzenbach.

As enacted, the Bail Reform Act of 1966 is Public Law 89-465 (80 Stat. 214).

Citation: Lyndon B. Johnson: "Remarks at the Signing of the Bail Reform Act of 1966.," June 22, 1966. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. http://www.presidency.ucsb.edu/ws/?pid=27666.